

Docket No.: PF112P2D1

Group Art Unit: 1647

Examiner: C. Saoud

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Hu et al.

Application No.: 09/219,442

Filed: December 23, 1998

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For: Vascular Endothelial Growth Factor 2

SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, DC 20231

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the Statutory Declarations and accompanying appendices and exhibits as follows:

- (a) Statutory Declaration of Susan Power, executed on March 22, 2002, and accompanying Appendices I to IV;
- (b) Statutory Declaration of Nicholas Kim Hayward, executed on March 26, 2002;
- (c) Statutory Declaration of Stuart A. Aaronson, executed on March 22, 2002, and accompanying Appendices I to III; and
- (d) Statutory Declaration of Gary Baxter Cox, executed on March 22, 2002, and accompanying Exhibit GBC-24 (which is a copy of a Statutory Declaration by Peter Adrian Walters dated October 26, 2001 together with Exhibit 1 served in opposition by Ludwig Institute for Cancer Research against Australian Patent Application 710696 in the name of Genentech, Inc.).

The above-listed declarations and accompanying appendices and exhibits were filed by Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy of the above-listed Declarations and accompanying appendices and exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed reference(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner acknowledge receipt of the enclosed Declarations and appendices and exhibits attached thereto, in the file of the instant application.

Pursuant to 37 C.F.R. § 1.97(c)(1), the Patent Office will consider this Sixth Supplemental Information Disclosure Statement if filed before the mailing date of a final Office Action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in this application and accompanied by the statement set forth in § 1.97(e)(1).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Sixth Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Sixth Supplemental Information Disclosure Statement. In particular, the listed documents were cited in an Opposition in connection with a corresponding foreign application.

Pursuant to 1.97(c)(1) no fee is believed due for this submission. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal is enclosed.

Dated: April 18, 2002

Respectfully submitted,

Michele M. Wales (Registration No.: 43,975)

Attorneys for Applicant

HUMAN GENOME SCIENCES, INC.

9410 Key West Avenue Rockville, MD 20850 Phone: 301-610-5772

Enclosures MMW/AKR/lcc

PTO/SB/17 (11-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

| Under the Paperwork Reduction of 1995, no persons are requ | ired to respond to a collection of information unless it displays a valid OMB control number. | | | | | | | | | |
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| FEE TRANSMITTAL | | | Compl t if Known | | | | | | | |
| | | Application Number | | | 09/219,442-Conf. #4797 | | | | | |
| for FY 2002 | | | Filing Date | | | December 23, 1998 | | | | |
| Patent fees are subject to annual revision. | | | First Named Inventor Jing | | | Jing-Shan H | Jing-Shan Hu | | | |
| | | | iner N | lame | | C. Saoud | | | | |
| Applicant claims small entity status. See 37 CFR 1.27 | | Groun | Group Art Unit | | | 1647 | | | | |
| TOTAL AMOUNT OF PAYMENT (\$) 0.00 | Attorney Docket No. | | | | | PF112P2D1 | U E | } | | |
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| The Commissioner is hereby authorized to: (check all that apply) | 127 | 50 | 227 | 25 | sheet. | - rate provisional f | ming ree degree | | | |
| Charge fee(s) indicated below X Credit any overpayments | 139 | 130 | 139 | 130 | Non-Engli | Fee Descriptie – late filing fee or one – late provisional files has specification arequest for exparter g publication of SIR action | | | | |
| Charge any additional fee(s) during the pendency of this | 147 | 2,520 | 147 | 2,520 | For filing a | request for ex parte | reexamination | | | |
| | 112 | | ! | 920* | Requestin | g publication of SIR | R prior to | | | |
| Charge fee(s) indicated below, except for the filing fee | 112 | 112 920* 112 920* Requesting Examiner a | | | Examiner | action | | | | |
| to the above-identified deposit account. | 113 | 1,840* | 113 | 1,840* | Examiner | ig publication of Sin | сапег | | | |
| FEE CALCULATION | 115 | 110 | 215 | 55 | Extension | for reply within first | month | | | |
| 1. BASIC FILING FEE | 116 | 400 | 216 | 200 | | for reply within sec | | | | |
| Large Entity Small Entity Fee | 117 | 920 | 217 | 460 | Extension | for reply within third | d month | | | |
| Code (\$) Code (\$) Fee Description Fee Paid | 118 | 1,440 | 218 | 720 | Extension | for reply within four | rth month | | | |
| 101 740 201 370 Utility filing fee | 128 | 1,960 | 228 | 980 | Extension | for reply within fifth | month | | | |
| 106 330 206 165 Design filing fee | 119 | 320 | 219 | 160 | Notice of | • • | | | | |
| 107 510 207 255 Plant filing fee | 120 | 320 | 220 | 160 | _ | ief in support of an | appeal | ļ | | |
| 108 | 121 | 280 1,510 | 138 | 140 1,510 | • | or oral hearing | no propositing | | | |
| 114 160 214 80 Provisional filling fee | 140 | 110 | 240 | 55 | | institute a public us revive – unavoidab | | | | |
| SUBTOTAL (1) (\$) 0.00 | 141 | 1,280 | 241 | 640 | | on to revive - unintentional | | | | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | 142 | 1,280 | 242 | 640 | Utility issu | ie fee (or reissue) | | | | |
| Extra Fee from Fee Paid | 143 | 460 | 243 | 230 | Design is: | | | | | |
| Total Claims Jelow = x | 144 | 620 | 244 | 310 | Plant issu | e fee | | | | |
| Independent -3** = x | 122 | 130 | 122 | 130 | Petitions t | o the Commissione | r | | | |
| Claims | 123 | 50 | 123 | 50 | Processin | g fee under 37 CFR | R 1.17(q) | | | |
| Large Entity Small Entity | 126 | 180 | 126 | 180 | | on of Information Dis | | | | |
| Fee Fee Fee Fee Fee Description | 581 | 40 | 581 | 40 | Recording | each patent assign | nment per | | | |
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| 103 | 146 | 740 | 246 | 370 | (37 ČFR 1 | (37 ČFR 1.129(a)) | | | | |
| 104 280 204 140 Multiple dependent claim, if not paid | 149 | 740 | 249 | 370 | | For each additional invention to be examined (37CFR 1 129(b)) | | | | |
| 109 84 209 42 ** Reissue independent claims | 179 | 740 | 279 | 370 | | Request for Continued Examination (RCE) | | | | |
| over original patent 110 18 210 9 ** Reissue claims in excess of 20 | 169 | 900 | 169 | 900 | Request for expedited examination | | | | | |
| and over original patent | of a design application Other fee (specify) | | | | | | | | | |
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| **or number previously paid, if greater; For Reissues, see above | | | | | | | | | | |
| SUBMITTED BY Complete (if applicable) | | | | | | | | | | |
| Name (Print/Type) Michele M. Wales | | tration No | | 3,975 | | T | 1) 610-5772 | | | |
| 1 4 | (Atto\n | ey/Agent | 417 | | | | - | · - | | |
| Signature //////////////////////////////////// | 1 [| U | / | | | Date Api | ril 18, 2002 | | | |